

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America
v.
Rogelio Balderrama-Villareal,
a.k.a.: Rogelio Villarreal,
(A200 285 926)
Defendant

Case No.

17-7484 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 22, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Rogelio Balderrama-Villareal, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about July 25, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jonathan R. Hornok

☒ Continued on the attached sheet.

Complainant's signature

Gilbert V. Longoria,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 13, 2017

Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 22, 2017, Rogelio Balderrama-Villareal was arrested by the Goodyear Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Balderrama-Villareal was encountered by ICE Officer B. Hall who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. Balderrama-Villareal was subsequently turned over to the Avondale Police Department (APD) for an outstanding warrant. On September 12, 2017, Balderrama-Villareal was released from the APD and transported to the Phoenix ICE office for further investigation and processing. Balderrama-Villareal was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Rogelio Balderrama-Villareal to be a citizen of Mexico and a previously deported criminal alien. Balderrama-Villareal was removed from the United States to Mexico at or near Nogales, Arizona, on or about July 25,

2016, pursuant to an order of removal issued by an immigration judge. There is no record of Balderrama-Villareal in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Balderrama-Villareal's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Rogelio Balderrama-Villareal was convicted of Reentry of Removed Alien, a felony offense, on September 10, 2015, in the United States District Court, District of Arizona. Balderrama-Villareal was sentenced to eighteen (18) months' imprisonment and two (2) years' supervised release. Balderrama-Villareal's criminal history was matched to him by electronic fingerprint comparison.
5. On September 12, 2017, Rogelio Balderrama-Villareal was advised of his constitutional rights. Balderrama-Villareal freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 22, 2017, Rogelio Balderrama-Villareal, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about July 25, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to

reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

Gilbert V. Longoria,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 13th day of September, 2017.

Bridget S. Bade
Bridget S. Bade,
United States Magistrate Judge